REMARKS

Claims 1-17 are pending and were rejected. Claims 1-16 have been amended. Claims 18-29 are new.

The Examiner indicated that the Information Disclosure Statement ("the IDS") filed on October 24, 2000 has been lost. Applicant is concurrently filing a copy of the IDS, PTO-1449 and foreign references as requested by the Examiner. Applicant's records indicate the IDS was mailed on October 19, 2000 and received by the Patent and Trademark Office on October 24, 2000. Applicant notes that the Examiner initialed the IDS and attached a copy to the Office Action.

The drawings have been corrected in accordance with the comments contained in the Notice of Draftperson's Patent Drawing Review dated August 25, 2003 and transmitted with the Office Action dated January 20, 2004. In addition, Applicant discovery a typographical error in Figure 3, which has been corrected. Interconnect 168 was incorrectly labeled 186. Please see the specification as filed on page 10, lines 3-6.

The Examiner objected to informalities in claims 1-16. The informalities have been corrected in accordance with the Examiner's suggestions. No change in claim scope is intended.

The Examiner objected to the form of claim 14. Claim 14 has been restated. No change in claim scope is intended.

The Examiner rejected claims 1-2, 4-9, 11-13 and 15-17 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,745,651 issued to Blatter, et al., in view of U.S. Patent No. 5,742,361 issued to Nakase, et al. Applicant respectfully traverses the Examiner's contention that the combination of Blatter and Nakase renders claims 1-2, 4-9, 11-13 and 15-17 obvious.

Independent claim 1 as amended recites "selecting means for selecting a second plurality of portions of data from said received stream of data and producing an alternative output stream; determining means for determining the relative timing of said second plurality of portions of data; and second output means for outputting said alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained." Claims 2, 4-9, 11-13 and 15-16 depend from claim 1.

Independent claim 17 recites "selecting a second plurality of portions of data from said received stream of data and producing an alternative output stream; determining the relative timing of said second plurality of portions of data; and outputting the alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained."

The Examiner concedes that Blatter does not disclose the determining means and the second output means as claimed. The Examiner contends that Nakase discloses the claimed determining means and second output means. Applicant respectfully traverses the Examiner's contention.

The Examiner points to Figure 6 and the accompanying discussion at column 7, lines 15-30, column 8, lines 13-28 and 54-60, column 13, lines 47-55 and column 14, line 64 to column 15, line 3 as disclosing the claimed determining means. The cited portion of Nakase describes a data demultiplexer having a CPU 6 that analyzes the payload of a program map table ("PMT") packet to obtain the packet identification information ("PIDs") of video and audio packets and sets PIDs of these packets in a packet selection unit. The CPU 6 processes the packet data and transfers the video/audio data obtained to the video decoder or to the audio decoder. Nakase implements timing control by using time stamps to maintain synchronization between the video output and the audio output. Thus, the time stamps are used to control decoding and the processing of two output streams with respect to one another, and not in connection with maintaining "the relative timing between portions of data in the received stream of data and in the alternative output stream" as claimed.

With regard to the second output means, the Examiner again points to Figure 6 and the description at column 7, lines 15-30, column 8, lines 54-60 and column 14, lines 12-58. As noted above, Nakase does not disclose maintaining "the relative timing between portions of data in the received stream of data and in the alternative output stream" as claimed.

Accordingly, Applicant respectfully submits that claims 1-2, 4-9, 11-13, and 15-17 are not rendered obvious by the combination of Blatter and Nakase because neither Blatter nor Nakase disclose or suggest "selecting means for selecting a second plurality of portions of data from said received stream of data and producing an alternative output stream; determining

means for determining the relative timing of said second plurality of portions of data; and second output means for outputting said alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained" as claimed.
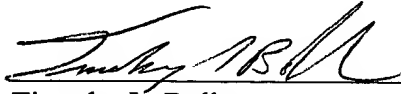
The Examiner rejected claims 3 and 10 under 35 U.S.C. § 103(a) as obvious over Blatter in view of Nakase and U.S. Patent No. 5,650,825 issued to Naimpally, et al. Claims 3 and 10 depend from claim 1. For the reasons set forth above, Applicant respectfully submits that Blatter is not an appropriate primary reference. Further, the Examiner does not contend that Naimpally discloses the determining means and the second output means as claimed. Accordingly, Applicant respectfully submits that claims 3 and 10 are not rendered obvious by Blatter in view of Nakase and Naimpally.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as obvious over Blatter in view of Nakase and U.S. Patent No. 6,205,180 issued to Dutey. Applicant submits that Dutey is not prior art pursuant to 35 U.S.C. § 103(c). Dutey issued on March 20, 2001, and thus was pending when the present application was filed. Accordingly, for Dutey to be prior art, it must be pursuant to 35 U.S.C. § 102(e). Dutey was assigned to SGS-Thomson Microelectronics S.A., which is now STMicroelectronics, S.A. ("STM S.A."). At the time the present invention was made, it was subject to assignment to STMicroelectronics, Limited ("STM Limited"), and it has been so assigned. STM Limited and STM S.A. are and were at all relevant times owned by the same entity, STMicroelectronics, N.V. Thus, Applicant submits that Dutey is not prior art under 35 U.S.C. § 103(c).

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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TLB:rg

Enclosure:
  Postcard
  3 Sheets of Drawings (Figures. 2-4)
  IDS, PTO-1449, and foreign references filed October 24, 2000

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